

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE RITZ HOTEL, LTD.	:	CIVIL ACTION
	:	
v.	:	
	:	
SHEN MANUFACTURING CO., INC.	:	05-4730

ORDER

AND NOW, this 4th day of June, 2009, for the reasons stated in its Memorandum of June 4, 2009, defendant Shen Manufacturing Co., Inc.'s Motion for Reconsideration of the court's Memorandum and Order of March 18, 2009 (paper no. 79) is **GRANTED IN PART and DENIED IN PART**:

1. Shen's Motion for Reconsideration is **GRANTED** in part to correct the mischaracterization of plaintiff The Ritz Hotel, Ltd.'s statement of use filed with the United States Patent and Trademark Office in June, 2002, in connection with its application for United States trademark registration no. 2,669,712. The Memorandum and Order of March 18, 2009, had described the June, 2002 filing as a statement of use filed by plaintiff in order to "maintain" the registration; in fact, the statement of use was filed as a necessary part of the initial process of applying for the registration, as required by 15 U.S.C. § 1051(c,d).

2. In all other respects, Shen's Motion for Reconsideration is **DENIED**.

3. The Director of the United States Patent and Trademark Office is directed to cancel the following trademark registrations if it has not already done so:

- 2,895,080 (RITZ PARIS for floor coverings);
- 2,728,529 (RITZ PARIS for fabrics);
- 1,307,072 (HOTEL RITZ for glassware); and
- 3,043,001 (RITZ PARIS for dishware).

/s/ Norma L. Shapiro

Norma L. Shapiro, J.